

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL S

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 28873	IMPORTANT DECLARATION	Date of mailing(day/month/year) 02/02/2005
International application No. PCT/IL2004/001012	International filing date(day/month/year) 04/11/2004	(Earliest) Priority date(day/month/year) 05/11/2003
International Patent Classification (IPC) or both national classification and IPC A61B3/00		
Applicant NEUROVISION, INC.		


This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

- ☒ The subject matter of the international application relates to:
 - ☐ scientific theories.
 - ☐ mathematical theories
 - ☐ plant varieties.
 - ☐ animal varieties.
 - ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - ☐ schemes, rules or methods of doing business.
 - ☐ schemes, rules or methods of performing purely mental acts.
 - ☐ schemes, rules or methods of playing games.
 - ☒ methods for treatment of the human body by surgery or therapy.
 - ☒ methods for treatment of the animal body by surgery or therapy.
 - ☐ diagnostic methods practised on the human or animal body.
 - ☐ mere presentations of information.
 - ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
- ☐ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

<input type="checkbox"/> the description	<input type="checkbox"/> the claims	<input type="checkbox"/> the drawings
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- ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

<input type="checkbox"/> the written form has not been furnished or does not comply with the standard.
<input type="checkbox"/> the computer readable form has not been furnished or does not comply with the standard.
- ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

<input type="checkbox"/> the written form has not been furnished.
<input type="checkbox"/> the computer readable form has not been furnished or does not comply with the technical requirements.
- Further comments:
see annex

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

A meaningful search is not possible on the basis of all claims, because all claims are directed to methods for treatment of the human or animal body by therapy as well as to diagnostic methods - Article 17(2)(a)(i), Rule 39.1(iv) PCT.

In particular, the single independent claim 1 includes medical diagnostic steps such as displaying to a person images to test the visual perception ability of the person with respect to a visual defect, as well as medical treatment steps like selecting images designed to treat a detected visual defect and to display to the person these images until the visual perception has improved.

As a consequence, the purpose and inevitable effect of all claims is a diagnostic and therapeutic one.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.